

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

R.A. JR. (a minor child, by and through his)
Father and next friend, Richard Lemmel)
Arnold,)

Plaintiff,)

VS.)

Case No.: CV-3:06-cv-337-WHA

DEPUTY SHERIFF WALTER LACEY,)

Defendant.)

**RESPONSE TO PLAINTIFF'S OBJECTION TO
DEFENDANT'S INTENT TO USE DEPOSITION PARTS**

COMES NOW the Defendant, Walter Lacey, and pursuant to this Court's Order dated April 19, 2007 (Doc. # 52) responds to the Objection to Defendant's Intent to Use Deposition Parts (Doc. # 51) as follows:

1. The Defendant intends to read some of those parts of the Plaintiffs' depositions identified in Defendant's Deposition Designation (Doc. # 41).
2. Rule 32(a)(2) of the Federal Rules of Evidence provides as follows: "The deposition of a party... may be used by an adverse party for any purpose."
3. In the Plaintiff's Objection to Defendant's Intent to Use Deposition Parts (Doc. # 51), the Plaintiffs' attorney asserts that she, "reserves the right to read the portion used in its entirety"; however, the Plaintiff has never designated any portions of any deposition which the Plaintiffs may use as required by this Court's Scheduling Order.

The Defendant objects to the Plaintiffs using any portion of a deposition in response, because the Plaintiffs have not designated which parts of their depositions they wish to read in

response to the Defendant's designation. The attorney for the defendant is therefore unable to make an informed decision as to what portions of the Defendants' depositions should be read in rebuttal.

For the foregoing reasons, the Defendant respectfully requests the Court to deny the Plaintiff's request to read portions of the Plaintiffs' depositions in response to the Defendant's designated portions of the Plaintiffs' depositions.

s/ C. Winston Sheehan, Jr.

C. WINSTON SHEEHAN, JR.

Attorney for the Defendant, Walter Lacey

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on April 27, 2007, I electronically filed the foregoing with the Clerk of the Court, using the CM/ECF system which will send notification of such filing to the following registered persons and that those persons not registered with the CM/ECF system were served by U.S. mail:

Hon. Arlene M. Richardson
Richardson Legal Center, LLC
Post Office Box 971
Hayneville, AL 36040-0971

/s/ C. Winston Sheehan, Jr.

OF COUNSEL